

Applic. No. 09/536,174  
Response Dated December 28, 2004  
Responsive to Office Action of July 29, 2004

Remarks:

Reconsideration of the application is requested.

Claims 1 to 18 remain in the application. Claims 1, 5, 6, and 10 have been amended. Claims 3 and 12 have been canceled to facilitate prosecution of the instant application.

In item 2 on pages 2 and 3, the above-identified Office action, the Examiner objected to the specification because of various informalities.

The Examiner first suggested that "eight time frames" should be changed to "eight time slots" in page 4, lines 2 to 3. The Examiner's suggested corrections have been made.

The Examiner then suggested a change to Page 3, line 6. The Examiner's suggested correction has been made.

Third, the Examiner asked for a translation of the acronym HSDSC that was used on page 3, line 8. This is an acronym for a high speed digital sequencing code. Common uses of this acronym can be found in a search of the Internet.

Fourth, the Examiner asked for clarification of the "second receiver" on page 5, line 8. This paragraph has been slightly amended to provide even more clarity than before.

Fifth, the Examiner comments on page 1, line 23 to 26. It is respectfully noted that this text is describing the background of the present invention. In other words, the paragraph is assisting the reader in understanding a little about prior art methods and systems for transmitting data packets between at least one base station and at least one mobile station in a mobile radio system. Thus, it is respectfully believed that further clarification is unnecessary.

Finally, the Examiner asks for clarity of the sentence at page 8, lines 19 to 23. The sentence includes the phrase "the data packet transmitted by the given base station is transmitted once again at least one of immediately before or immediately after the predetermined time frame during the predetermined time frame." This sentence can also be read as follows: the data packet transmitted by the given base station is transmitted once again (1) immediately before, (2) immediately after, or (3) immediately before and immediately after the predetermined time frame during the predetermined time frame.

In item 3 on pages 3 to 4 of the above-identified Office

action, the Examiner objected to the drawings. More specifically, the Examiner states that the subject matter of claims 8 and 17 is not sufficiently disclosed in the drawings.

In contrast to the Examiner's opinion, FIG. 8 shows all the features recited in claims 8 and 17. FIG. 8 shows synchronization data packets that are denoted as SC-bursts. Each SC-burst is divided into three parts, whereby the first part is the first data half, the second part is the training sequence, and the third part is the second data half. In FIG. 8, the data halves are shown as a white part of the SC-burst and the training sequence is shown as a striped part of the SC-burst. FIG. 8 also illustrates the time interval during which the mobile station is switched to reception of synchronization data packets from adjacent base stations using dashed lines. In accordance with claims 8 and 17 and with the description page 24, line 7 to page 26, line 13, during such a time interval, a first part of the SC-burst is received and, then, a second part of the SC-burst is received, whereby both parts received of the SC-burst contain the training sequence.

For all of these reasons, applicant respectfully believes that the features of claims 8 and 17 are sufficiently disclosed in the drawings.

In item 5 on pages 4 to 5 of the above-identified Office action, claims 1 to 18 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner first states that there is insufficient antecedent basis for "the improvement" in line 3 of claim 1. It is respectfully noted that this is an improvement claim and, therefore, the word "the" does not immediately trigger a requirement for antecedence. Nonetheless, applicant has changed "the" to "an."

Second, the Examiner states that there is insufficient antecedent basis for "data packets" and "a mobile station" in claim 1, line 6. Applicants respectfully disagree. This is proper introduction of features in a method claim.

Third, the Examiner states that there is insufficient antecedent basis for "a predetermined time frame" in line 4 of claim 3. Applicants respectfully disagree. This is proper introduction of features in a method claim.

Fourth, the Examiner states that there is insufficient antecedent basis for "the end" and "the start" in line 5 of claim 5. Applicant has changed "the end" to "an end" and "the start" to "a start."

Fifth, the Examiner suggests a change to claim 6. Applicant respectfully believes that the suggested change is exactly the same as the original language. Therefore, for no reason related to patentability, applicant has amended claim 6.

Finally, the Examiner states that there is insufficient antecedent basis for "said given base station" in lines 11 to 12 of claim 10. Applicant respectfully believes that antecedent basis is provided as this cited text is an abbreviation of a previous feature. Nonetheless, the claim has been amended to even more clearly define the feature.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above noted changes to the claims are provided solely for the purpose of satisfying the requirements of 35 U.S.C. § 112. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Applicant appreciatively acknowledges the Examiner's statement that claims 3 to 8 and 12 to 17 "would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112,

second paragraph, . . . and to include all of the limitations of the base claim and any intervening claims."

As set forth above, the rejections under Section 112 have been overcome.

Applicant has included the features of allowable claim 3 in claim 1. Applicant has included the features of allowable claim 12 in claim 10. Thus, claims 1 and 10 and all claims dependent thereon are allowable.

Based on the above, the rejections of the claims in items 7 to 9 on pages 5 to 8 of the Office action are now moot.

In view of the foregoing, reconsideration and allowance of claims 1, 2, 4 to 11, and 13 to 18 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

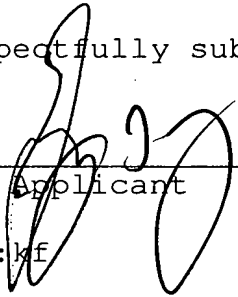
If an extension of time for this paper is required, petition for extension is herewith made.

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The extension fee for response within a period of two (2) months pursuant to Section 1.136(a) in the amount of \$450.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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December 28, 2004

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